IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 20.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.238 of 2006

Govindammal ... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.

2.The District Magistrate and
District Collector,
Kancheepuram District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records pertaining to the detention of the petitioner's son namely Boobalan, son of Loganathan detained under Act 14/82 vide detention orde dated 21.09.2005 on the file of the second respondent herein made in BDFGISV No.48/2005, quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and set him at liberty from Central Prison, Chennai.

For Petitioner : Mr.R.Subadra Devi

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, who is the mother of the detenu by name Boobalan, who was detained as a "Bootlegger" as contemplated under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug

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Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 21.09.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. It is not in dispute that the same petitioner has filed earlier petition in HCP No.1062 of 2005 questioning the very same detention order. It is also not in dispute that by order dated 23.01.2006, after considering the relevant materials and hearing the counsel(same counsel, who is appearing in this petition) and the learned Government Advocate, finding that there is no merit, this Court dismissed the said petition and confirmed the order of detention.

4. In this second Habeas Corpus Petition, the learned counsel appearing for the petitioner submitted that the Tamil version of remand order dated 07.09.2005 and extension order dated 21.09.2005 were not supplied to the detenu, which prevented him from making effective representation to the authority concerned. Admittedly, though this point was available at the time of hearing of the earlier HCP No.1062 of 2005, the same was not raised and objected to. Further, though the detenu and his mother made representations to the authorities concerned, no such grievance was expressed for supply of translated version of both the orders. In addition to this, it is also brought to our notice that though the detenu has appeared before the Advisory Board, in the enquiry, he has not raised any such objection or claimed Tamil version of those copies. In fact, the Advisory Board asked the detenu whether he has any grievance and whether he wants to be enquired by any one. Pursuant to his request, his mother was enquired by the Advisory Board and after perusing the records and materials, the Advisory Board has approved the detention order. It is clear from the records of the Advisory Board that even before the Board, neither the

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detenu nor his mother raised the present complaint. In those circumstances and in view of the remand order of this Court dated 23.01.2006, we are of the view that there is no merit in the present contention raised in the petition.

5. In the light of what is stated above, we do not find any ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Magistrate and District Collector,
Kancheepuram District.

2.The Secretary to Government of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

3.The Superintendent, Central Prison, Chennai.

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

JRG(CO)
NM(27.06.2006)

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